



March 30, 2023

Hon. Vera M. Scanlon, U.S.M.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East, 1214 South
Brooklyn, New York 11201

By Electronic Filing.

Re: Payamps v. City of New York, 22-cv-00563

Dear Judge Scanlon:

I am co-counsel for Plaintiff in this matter. The parties submit this joint letter pursuant to the Court's March 16, 2023 Order directing the parties to meet and confer in-person for at least one hour in an attempt to resolve their discovery disputes. On March 28, 2023, the parties met via Zoom. The parties apologize for not having held this meeting in-person. We did not realize until the last minute that the Court ordered an in-person meeting. Rather than cancel the meet and confer, we arranged a Zoom call to comply with the Court Order as much as possible. We respectfully request that the Court accept our Zoom meeting as proper pursuant to the March 16 Order. The remaining discovery dispute regards Plaintiff's Interrogatory Numbers 6, 8, 10, 11, 12, and 25, and the names of the NYPD members who used force on Plaintiff, took Plaintiff to the ground, and arrested him. The City maintains that it needs 60 days to produce this information, from March 1st up to and including April 30th. Plaintiff maintains that 30 days is the appropriate deadline and requests that the City produce this information by March 31st.

The remaining discovery disputes are resolved as follows:

Names of Incident Commanders and Legal Bureau Personnel

Deficiencies

- Interrogatory 2 -City Defendants must identify each Incident Commander who was present at the Protest or who actually participated in the chain of command related to the Protest from afar.
- Interrogatory 3 – City Defendants must identify any member of the legal bureau present at the protest.
- Interrogatory 4 – City Defendants must identify any member of the legal bureau whom any Defendants consulted with in connection to the protest.



Plaintiff notes that the names of Incident Commanders and Legal Bureau personnel in general were turned over in the consolidated cases, but the City has not produced in the consolidated cases the names of Incident Commanders and Legal Bureau personnel who were present at the protest giving rise to this lawsuit. Plaintiff seeks this information because it contains the names and identities of high-level City employees who are witnesses to the incidents described in the complaint, and is therefore highly relevant.

City Defendants' Response:

The City has agreed to produce this information by April 11.

Plaintiff's Arrest Paperwork

Deficiencies

- Interrogatory 13 - Defendants must identify each person who decided to give Plaintiff a summons or DAT.
- Interrogatory 19 - Defendants must identify each author or person who contributed to the paperwork listed in this interrogatory.

Plaintiff seeks this information because these people are witnesses to the events described in the complaint, and contributed to depriving him of his constitutional rights. As such, their names and identities are necessarily integral to his causes of action.

City Defendants' Response:

The City has agreed to produce this information by April 11.

Body Worn Camera Information

Deficiencies:

- Document Request No 12 - City Defendants' response to this document demand states that no NYPD body-worn camera footage related to the Protest exists. However, this demand also requested "all related audit trails and metadata." The City must produce the audit trails and metadata for the BWC of all NYPD members who were present at the protest.

City Defendants' Response:

The City has agreed to produce this information by April 11.



CCRB/IAB Information

Deficiencies:

- Document Request 56 –City Defendants must provide files related to other CCRB investigations related to the protest.
- Document Request 57 –City Defendants must provide files related to other IAB investigations related to the protest including but not limited to for those officers who were referred for discipline from the CCRB to NYPD for BWC issues.

Plaintiff requests this information because it contains the names of witnesses, and will assist in identifying the NYPD members involved in Plaintiff's assault and arrest, and is therefore highly relevant.

City's Response:

The City has agreed to look into this. Mr. Pesin needs to speak to his supervisor about producing this material, and requires more time to do so.

Disciplinary History and Personnel Files

Deficiency

- Document Request 61 – Produce each Individual Defendant's current NYPD Personnel Profile Report – All History.
- Document Request 62 – Produce each Individual Defendant's current NYPD CPI report.

City Defendants' Response:

The City has agreed to produce this information by April 11.

We thank the Court for its time.

Respectfully submitted,

/s/

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cc:

All relevant parties by ECF.